



GARY R. HERBERT
Governor

GREGORY S. BELL
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas and Mining

JOHN R. BAZA
Division Director

C0070034
Outgoing
#4370
OK

September 3, 2013

Rick Parkins, General Manager
Canyon Fuel Company, LLC
P.O. Box 1029
Wellington, Utah 84542

Subject: Permit Renewal, Canyon Fuel Company, LLC, Banning Loadout, C/007/0034,
Task ID #4370

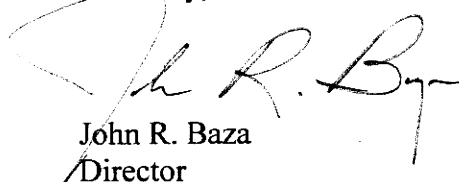
Dear Mr. Parkins:

The Division of Oil, Gas and Mining has reviewed your application for permit renewal and has made a decision to approve this application. Enclosed is the renewed permanent program mining permit for the Banning Loadout and a copy of the State's Decision Document.

Two (2) copies of the permit are included. Please have both copies signed by the responsible official for Banning Loadout and return one to the Division.

Please call Daron Haddock at (801)538-5325 if you have any questions.

Sincerely,



John R. Baza
Director

JRB/ss
Enclosures
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**UTAH DIVISION OF OIL, GAS AND MINING
STATE DECISION DOCUMENT**

**For
PERMIT RENEWAL**

**Canyon Fuel Company, LLC
Banning Loadout
C/007/0034
Carbon County, Utah**

September 3, 2013

CONTENTS

- * Administrative Overview
- * Permitting Chronology
- * Findings
- * Permit
- * Affidavit of Publication
- * AVS Recommendation

ADMINISTRATIVE OVERVIEW

Canyon Fuel Company, LLC
Banning Loadout
C/007/0034
Carbon County, Utah
September 3, 2013

BACKGROUND

The Banning Loadout is a coal loading facility located approximately eight miles east of Wellington, Utah on or along the Union Pacific Company right of way. This rail loadout is permitted by Canyon Fuel Company, LLC (a company owned in part (75%) by Arch Western Bituminous Group [a company fully owned by Arch Western Resources, a company owned 99% by Arch Western Acquisition Corporation, fully owned by Arch Coal, Inc., and 1% by Delta Housing, Inc. fully owned by Atlanta Richfield Company] and 35% by Arch Coal, Inc.). This loadout went into temporary cessation on March 7, 2000 and continues to be in temporary cessation.

PROPOSED ACTION

Canyon Fuel Company, LLC made application to the Division of Oil, Gas and Mining for a five year permit renewal for the Banning Loadout on June 10, 2013. This renewal encompasses the same permit area and disturbance as currently approved in the permit.

The Mining and Reclamation Plan (MRP) and Permit for the Banning Loadout was originally approved on October 24, 1988 and renewed subsequently on October 24, 1993, October 24, 1998, October 24, 2003 and again on October 24, 2008.

The application for renewal was determined to be administratively complete on June 12, 2013 and the public notice for the renewal was printed in the Sun Advocate newspaper on June, 27, and July 4, 11, and 18, 2013.

ANALYSIS

The permit renewal application was received at least 120 days prior to permit renewal. All notices were published as required. No comments were received. The Permittee has provided evidence of a liability insurance policy and a performance bond in the required amount. A check of the Applicant Violator System (AVS) indicates that there are no outstanding violations or permit blocks associated with this permit or permittee. While the site has been primarily inactive, the terms of the existing permit are being satisfactorily met and operations are in compliance with the environmental protection standards of the State program.

RECOMMENDATION

Approval for this permit renewal is recommended with one condition concerning the electronic submittal of water quality data.

PERMITTING CHRONOLOGY

Canyon Fuel Company, LLC
Banning Loadout
C/007/0034
Carbon County, Utah

September 3, 2013


June 10, 2013	Canyon Fuel Company, LLC submitted the permit renewal application.
June 12, 2013	Permit renewal application determined administratively complete.
June 12, 2013	Letter from Division to federal, state and local agencies to notify them about the permit renewal for the Banning Loadout.
June 27, 2013 and July 4, 11, and 18, 2013	Publication notice for permit renewal for the Banning Loadout published in the <u>Sun Advocate</u> .
August 19, 2013	No comments received.
August 23, 2013	AVS Check
September 3, 2013	Approval of Permit renewed effective October 24, 2013.

PERMIT RENEWAL FINDINGS


Canyon Fuel Company, LLC
Banning Loadout
C/007/0034
Carbon County, Utah

September 3, 2013


1. The permit renewal term will not exceed the original permit term of five years. (R645-303-324).
2. The terms and conditions of the existing permit are being met. (R645-303-233.110).
3. The present coal mining and reclamation operations are in compliance with the environmental protection standards of the Act and the Utah State Program. (R645-303-233.120).
4. The requested renewal will not substantially jeopardize the operator's continuing ability to comply with the Act and the Utah State. (R645-303-233.130).
5. The permittee has provided evidence of maintaining liability insurance (National Union Fire Ins Co Pittsburgh PA #GL093-61-11) (R645-303-233.140).
6. The permittee has posted a reclamation surety in the required amount and has provided evidence that the surety will remain in full effect for the permit period. (Arch Insurance Company #SU1116164 in the amount of \$350,000). (R645-303-233.150).



Permit Supervisor



Associate Director of Mining



Director

FEDERAL

**PERMIT
C/007/0034**

October 24, 2013

**STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING
1594 West North Temple, Suite 1210
Salt Lake City, Utah 84114-5801
(801) 538-5340**

This permit, C/007/0034, is issued for the state of Utah by the Utah Division of Oil, Gas and Mining (DOGM) to:

**Canyon Fuel Company, LLC
225 North 5th Street, Suite 900
Grand Junction, CO 81501
(970)263-5130**

for the Banning Loadout. A performance bond is filed with the DOGM in the amount of \$350,000, payable to the State of Utah, Division of Oil, Gas and Mining and the Office of Surface Mining. DOGM must receive a copy of this permit signed and dated by the permittee.

Sec. 1: STATUTES AND REGULATIONS - This permit is issued pursuant to the Utah Coal Mining and Reclamation Act of 1979, Utah Code Annotated (UCA) 40-10-1 et seq, hereafter referred to as the Act.

Sec. 2: PERMIT AREA - The permittee is authorized to conduct coal mining and reclamation operations on following described lands within the permit area at the Banning Loadout situated in the State of Utah, Carbon County, and located:

Township 15 South, Range 12, East, SLB&M

Section 15: Portions of W1/2

Section 16: Portions of E1/2SE1/4

Section 22: Portions of W1/2NW1/4NW1/4

This legal description is for the permit area of the Banning Loadout. The permittee is authorized to conduct coal mining and reclamation operations on the foregoing described property subject to all applicable conditions, laws and regulations.

Sec. 3: COMPLIANCE - The permittee will comply with the terms and conditions of the permit, all applicable performance standards and requirements of the State Program.

Sec. 4: PERMIT TERM - This permit expires on October 24, 2018.

Sec. 5: ASSIGNMENT OF PERMIT RIGHTS - The permit rights may not be transferred, assigned or sold without the approval of the Director, DOGM. Transfer, assignment or sale of permit rights must be done in accordance with applicable regulations, including but not limited to 30 CFR 740.13(e) and R645-303.

Sec. 6: RIGHT OF ENTRY - The permittee shall allow the authorized representative of the DOGM, including but not limited to inspectors, and representatives of OSMRE, without advance notice or a search warrant, upon presentation of appropriate credentials, and without delay to:

- A. Have the rights of entry provided for in 30 CFR 840.12, R645-400-110, 30 CFR 842.13 and R645-400-220; and,
- B. Be accompanied by private persons for the purpose of conducting an inspection in accordance with R645-400-100 and 30 CFR 842, when the inspection is in response to an alleged violation reported by the private person.

Sec. 7: SCOPE OF OPERATIONS - The permittee shall conduct coal mining and reclamation operations activities only on those lands specifically designated as within the permit area on the maps submitted in the mining and reclamation plan and permit application and approved for the term of the permit and which are subject to the performance bond.

Sec. 8: ENVIRONMENTAL IMPACTS - The permittee shall minimize any adverse impact to the environment or public health and safety through but not limited to:

- A. Any accelerated monitoring to determine the nature and extent of noncompliance and the results of the noncompliance;
- B. Immediate implementation of measures necessary to comply; and
- C. Warning, as soon as possible after learning of such noncompliance, any person whose health and safety is in imminent danger due to the noncompliance.

Sec. 9: DISPOSAL OF POLLUTANTS - The permittee shall dispose of solids, sludge, filter backwash or pollutants in the course of treatment or control of waters or emissions to the air in the manner required by the approved Utah State Program and the Federal Lands Program which prevents violation of any applicable state or federal law.

Sec.10: CONDUCT OF OPERATIONS - The permittee shall conduct its operations:

- A. in accordance with the terms of the permit to prevent significant, imminent environmental harm to the health and safety of the public; and
- B. utilizing methods specified as conditions of the permit by DOGM in approving alternative methods of compliance with the performance standards of the Act, the approved Utah State Program and the Federal Lands Program.

Sec.11: EXISTING STRUCTURES - As applicable, the permittee will comply with R645-301 and R645-302 for compliance, modification, or abandonment of existing structures.

Sec.12: RECLAMATION PAYMENT – The permittee shall pay all reclamation fees required by 30 CFR Part 870 for coal produced under the permit, for sale, transfer or use.

Sec. 13 AUTHORIZED AGENT - The permittee shall provide the names, addresses and telephone numbers of persons responsible for operations under the permit to whom notices and orders are to be delivered.

Sec.14: COMPLIANCE WITH OTHER LAWS - The permittee shall comply with the provisions of the Water Pollution Control Act (33 USC 1151 et seq,) and the Clean Air Act (42 USC 7401 et seq), UCA 26-11-1 et seq, and UCA 26-13-1 et seq.

Sec.15: PERMIT RENEWAL - Upon expiration, this permit may be renewed for areas within the boundaries of the existing permit in accordance with the Act, the approved Utah State Program and the Federal Lands Program.

Sec.16: CULTURAL RESOURCES - If during the course of mining operations, previously unidentified cultural resources are discovered, the permittee shall ensure that the site(s) is not disturbed and shall notify DOGM. DOGM, after coordination with OSMRE, shall inform the permittee of necessary actions required. The permittee shall implement the mitigation measures required by DOGM within the time frame specified by DOGM.

Sec.17: APPEALS - The permittee shall have the right to appeal as provided for under R645-300-200.

Sec.18: SPECIAL CONDITIONS - There are special conditions associated with this permitting action as described in Attachment A.

The above conditions (Secs. 1-18) are also imposed upon the permittee's agents and employees. The failure or refusal of any of these persons to comply with these conditions shall be deemed a failure of the permittee to comply with the terms of this permit and the lease.

The permittee shall require his agents, contractors and subcontractors involved in activities concerning this permit to include these conditions in the contracts between and among them. These conditions may be revised or amended, in writing, by the mutual consent of DOGM and the permittee at any time to adjust to changed conditions or to correct an oversight. DOGM may amend these conditions at any time without the consent of the permittee in order to make them consistent with any new federal or state statutes and any new regulations.

THE STATE OF UTAH

By: John R. Bay
Date: 9/5/13

I certify that I have read, understand and accept the requirements of this permit and any special conditions attached.

Authorized Representative of the Permittee

Date: _____

ATTACHMENT A
SPECIAL CONDITIONS

- 1) Canyon Fuel Company, LLC must submit water quality data for the Banning Loadout in an electronic format through the Electronic Data Input web site,
<http://linux1.ogm.utah.gov/cgi-bin/appx-ogm.cgi>

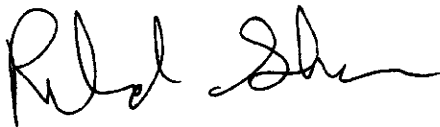
AFFIDAVIT OF PUBLICATION

STATE OF UTAH)

ss.

County of Carbon,)

I, Richard Shaw, on oath, say that I am the Publisher of the Sun Advocate, a twice-weekly newspaper of general circulation, published at Price, State of Utah a true copy of which is hereto attached, was published in the full issue of such newspaper for 4 (Four) consecutive issues, and on the Utah legals.com website, the first publication was on the 27th day of June, 2013, and that the last publication of such notice was in the issue of such newspaper dated the 18th day of July 2013.



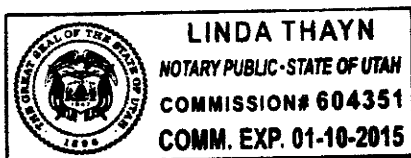
Richard Shaw – Publisher

Subscribed and sworn to before me this 18th day of July, 2013.



Notary Public My commission expires January 10, 2015 Residing at Price, Utah

Publication fee, \$ 336.00



LEGAL NOTICE

Canyon Fuel Company, LLC, of Grand Junction, Colorado, hereby announces its intent to renew its permit for the operation of the Banning Loadout under the laws of the State of Utah and the U.S. Office of Surface Mining. The currently approved permit is number C/007/034.

Canyon Fuel Company, LLC, operates the Banning Loadout, a coal loading facility which is located eight (8) miles east of Wellington, Utah, on or along a Union Pacific Company right-of-way. Located in portions of Section 15, 16, and 22, Township 15 South, Range 12 East, Salt Lake Base Meridian,

A legal description of the permit boundary includes:

Township 15 S., Range 12 E., Salt Lake Base and Meridian

Section 15:	Portions of W1/2
Section 16:	Portions of E1/2SE1/4
Section 22:	Portions of W1/2NW1/4NW1/4

A copy of the permit renewal application will be available for inspection at the following locations: Utah Division of Oil, Gas and Mining, 1594 West North Temple, Suite 1210, Salt Lake City, Utah 84114 and Carbon County Courthouse, 120 East Main Street, Price, Utah 84501.

The address of the applicant is:

Canyon Fuel Company, LLC, 225 North 5th Street, Suite 900, Grand Junction, Colorado 81501.

Written comments or requests for a hearing regarding this application must be submitted within 30 days of the last publication date of this notice, to the Utah Division of Oil, Gas and Mining, Attention Coal Regulatory Program, 1594 West North Temple, Suite 1210, Salt Lake City, Utah 84114-5801.
Published in the Sun Advocate June 27, July 4, 11 and 18, 2013.



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State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas and Mining

JOHN R. BAZA
Division Director

August 23, 2013

To: Internal File

From: Daron R. Haddock, Coal Program Manager *RQH*

Subject: 510 (c) Recommendation for Canyon Fuel Company, LLC, Banning Loadout, C/007/0034, Task ID #4370

As of writing of this memo, there are no NOVs or COs which are not corrected or in the process of being corrected for the Banning Loadout. There are no finalized civil penalties, which are outstanding and overdue in the name of Canyon Fuel Company, LLC. Canyon Fuel Company, LLC does not have a demonstrated pattern of willful violations, nor have they been subject to any bond forfeitures for any operation in the state of Utah.

Attached is a recommendation from the OSM Applicant Violator System for the Banning Loadout that states there are no outstanding violations.

O:\007034.BAN\PERMIT 2013\510c.doc





U.S. Department of the Interior Office of Surface Mining
Applicant Violator System

[Click for the Office of Surface Mining Website](#)

suzanne.steab (un) | [Logout](#)

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[HOME](#) > ENTITY EVALUATE

Evaluation on Application Number: ACT007034 SEQ:5
0 Violations

[Print Report](#)

Application Evaluation

Application Number	ACT007034 SEQ:5
Applicant Name	142816 Canyon Fuel Company LLC
Date of Request	8/23/2013 1:35:11 PM
Requestor	suzanne.steab

CAUTION: The Applicant/Violator System (AVS) is an informational database. Permit eligibility determinations are made by the regulatory authority with jurisdiction over the permit application not by the AVS. Results which display outstanding violations may not include critical information about settlements or other conditions that affect permit eligibility. Consult the AVS Office at 800-643-9748 for verification of information prior to making decisions on these results.

There were no violations retrieved by the system

Evaluation OFT

Entities: 97

109255 Atlantic Richfield Co - ()
---061928 Mike R Bowlin - (Chairman of the Board)
---061928 Mike R Bowlin - (Chief Executive Officer)
---062210 Henry E Wendt - (Director)
---084987 Harrell L Bilhartz Jr - (Senior Vice President)
---086342 Marie L Knowles - (Chief Financial Officer)
---086342 Marie L Knowles - (Director)
---086342 Marie L Knowles - (Executive Vice President)
---113155 Lodwick M Cook - (Director)
---113157 John Gavin - (Director)
---113158 Hanna H Gray - (Director)
---113175 William E Wade Jr - (Director)

---113175 William E Wade Jr - (Executive Vice President)
---113175 William E Wade Jr - (President)
---113180 Mark L Hazelwood - (Senior Vice President)
---113185 Patricia N Boinski - (Assistant Secretary)
---113186 Patrick J Brophy - (Assistant Secretary)
---113187 James R Coffee - (Assistant Secretary)
---113190 Thomas F Linn - (Assistant Secretary)
---113191 Ronald W Macdonald - (Assistant Secretary)
---113192 Richard C Morse - (Assistant Secretary)
---113194 Paul J Richmond - (Assistant Secretary)
---113195 Thomas C Roantree Iii - (Assistant Secretary)
---113199 Diane A Ward - (Assistant Secretary)
---113200 Bruce G Whitmore - (Secretary)
---113200 Bruce G Whitmore - (Senior Vice President)
---113202 Patrick J Ellingsworth - (Corporate Officer)
---113202 Patrick J Ellingsworth - (Vice President)
---113205 Allen C Holmes - (Vice President)
---120542 Anthony G Fernandes - (Director)
---120542 Anthony G Fernandes - (Executive Vice President)
---120546 Terry G Dallas - (Senior Vice President)
---120546 Terry G Dallas - (Treasurer)
---122949 Frank D Boren - (Director)
---122951 John B Slaughter - (Director)
---122952 Beverly L Hamilton - (Vice President)
---129866 Michael E Wiley - (Director)
---129866 Michael E Wiley - (Executive Vice President)
---129870 Robert E Mcmanus - (Corporate Officer)
---130259 Daniel J Rolf - (Assistant Secretary)
---131979 Allan L Comstock - (Controller)
---131979 Allan L Comstock - (Vice President)
---131980 John H Kelly - (Senior Vice President)
---131981 J Kenneth Thompson - (Executive Vice President)
---131981 J Kenneth Thompson - (Senior Vice President)
---135502 Stephen R Mut - (Senior Vice President)
---135505 Patricia B Fisher - (Assistant Secretary)
---135779 Kent Kresa - (Director)
---137568 George S Davis - (Assistant Treasurer)
---137580 David T McLaughlin - (Director)
---137583 W Steven Jones - (Assistant Secretary)
---137584 John R Lucas Jr - (Assistant Secretary)
---137585 Stephen Molina - (Assistant Secretary)
---137586 Ronald C Redcay - (Assistant Secretary)
---142826 John B Cheatham - (Senior Vice President)
---142842 Robert M Pine - (Controller)
---142843 Ronald R Williams - (Corporate Officer)
---142844 E Larry Cantu - (Assistant Secretary)
---142845 Susan O Liebson - (Assistant Secretary)
---142846 David W Marquez - (Assistant Secretary)
---142847 Karen R Monroe - (Assistant Secretary)
---142848 Eric E Sigsbey - (Assistant Secretary)

---142849 Antoinette M Tadolini - (Assistant Secretary)
---144427 Barbara M Bartoletti - (Secretary)
---145261 Donald R Voelte - (Senior Vice President)
---145262 Robert L Healy - (Vice President)
---145263 Ian F Chate - (Assistant Secretary)
---145264 June I Rose - (Assistant Secretary)
---145595 Arch Western Resources Llc - (Subsidiary Company)
-----127325 Robert G Jones - (Assistant Secretary)
-----127325 Robert G Jones - (Vice President)
-----129563 Charles David Steele - (Vice President)
-----138467 Paul A Lang - (President)
-----146381 James E Florczak - (Treasurer)
-----146381 James E Florczak - (Vice President)
-----155171 Jolene Jouett Mermis - (Assistant Secretary)
-----155430 Arch Western Bituminous Group Llc - (Subsidiary Company)
-----129465 Eugene E Diclaudio - (Director)
-----129465 Eugene E Diclaudio - (Manager)
-----129465 Eugene E Diclaudio - (President)
-----129563 Charles David Steele - (Vice President)
-----133451 John W Eaves - (Director)
-----138467 Paul A Lang - (Director)
-----142816 Canyon Fuel Company LLC - (Subsidiary Company)
-----129465 Eugene E Diclaudio - (Director)
-----129465 Eugene E Diclaudio - (President)
-----146381 James E Florczak - (Treasurer)
-----146381 James E Florczak - (Vice President)
-----155171 Jolene Jouett Mermis - (Assistant Secretary)
-----250063 Jon S Ploetz - (Secretary)
-----156640 Kenneth D Cochran - (Vice President)
-----158835 Patricia A Will - (Assistant Treasurer)
-----247567 John T Drexler - (Vice President)
-----250063 Jon S Ploetz - (Secretary)
---145597 Mark J Friedman - (Assistant Secretary)
---145601 Gary L Tooker - (Director)
---145602 Denise L Ramos - (Assistant Treasurer)
---145603 Donald A Davis - (Vice President)
---145604 Roger E Truitt - (Senior Vice President)
---145605 Dodd W De Camp - (Vice President)
---145616 John M Slater - (Senior Vice President)
144492 Arch Coal Inc - ()
---125225 Steven F Leer - (Chairman of the Board)
---125225 Steven F Leer - (Director)
---127325 Robert G Jones - (General Counsel)
---127325 Robert G Jones - (Secretary)
---127325 Robert G Jones - (Senior Vice President)
---129563 Charles David Steele - (Vice President)
---133451 John W Eaves - (Chief Executive Officer)
---133451 John W Eaves - (Director)
---133451 John W Eaves - (President)
---138362 Douglas H Hunt - (Director)

---138467 Paul A Lang - (Corporate Officer)
---138467 Paul A Lang - (Executive Vice President)
---139984 Peter I Wold - (Director)
---145629 Arch Western Acquisition Corp - (Subsidiary Company)
-----127325 Robert G Jones - (Director)
-----129563 Charles David Steele - (Vice President)
-----138467 Paul A Lang - (Director)
-----138467 Paul A Lang - (President)
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-----146381 James E Florczak - (Vice President)
-----155171 Jolene Jouett Mermis - (Assistant Secretary)
-----247567 John T Drexler - (Vice President)
-----250063 Jon S Ploetz - (Director)
-----250063 Jon S Ploetz - (Secretary)
---146381 James E Florczak - (Treasurer)
---147242 Theodore D Sands - (Director)
---147387 John W Lorson - (Corporate Officer)
---147387 John W Lorson - (Vice President)
---149037 Wesley M Taylor - (Director)
---150775 Deck S Slone - (Senior Vice President)
---154854 John A Ziegler - (Vice President)
---155172 Patricia Fry Godley - (Director)
---156500 Allen Kelley - (Vice President)
---156640 Kenneth D Cochran - (Senior Vice President)

---247567 John T Drexler - (Chief Financial Officer)
 ---247567 John T Drexler - (Senior Vice President)
 ---249046 Casey Johnson - (Corporate Officer)
 ---249451 David E Hartley - (Corporate Officer)
 ---249451 David E Hartley - (Vice President)
 ---250063 Jon S Ploetz - (Assistant Secretary)
 ---250063 Jon S Ploetz - (General Counsel)
 ---250498 J Thomas Jones - (Director)
 ---251559 David D Freudenthal - (Director)
 ---252345 Jeffrey W Strobel - (Vice President)
 ---252854 George C Morris III - (Director)
 ---253054 Doug Conaway - (Vice President)
 ---253087 Paul T Hanrahan - (Director)

Narrative

Request Narrative